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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,704	06/28/2006	Thomas Ringel	095309.57224US	3745

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EXAMINER

KONG, SZE-HON

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3661

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09/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,704	Applicant(s) RINGEL ET AL.	
	Examiner SZE-HON KONG	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-11,16-18 and 20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-4, 6-11, 16-18 and 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 4, 6-8, 11, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geisler et al. (6,882,906) in view of Videtich (US2003/0144005).

For claim 1, Geisler discloses a method for providing telematics services for vehicles, wherein data is interchanged without the use of wires between a stationary service control center and a plurality of telematics control elements in the vehicle (Col. 1, lines 26-32, Col. 4, lines 53-67 and Col. 3, lines 51-67), wherein each of the plurality of telematics control elements are modules, the method (Col. 4, lines 1-18) comprising the steps of: receiving a input or data from the service control center to activate or deactivate at least one of the modules, wherein each of the modules autonomously execute different telematics functions (Abstract, col. 1, line 65 - col. 2, line 10, col. 3, lines 51-67 and col. 5, lines 48-63); and individually configuring, based on the input, said at least one of the modules to activate or deactivate the at least one of the modules (Col. 2, lines 34-42 and Col. 3, lines 51-67).

Geisler does not specifically disclose vehicle user input or configuring functions based on data from the service control center. Videtich discloses modifying each of said

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control elements using at least one of said data interchanging and vehicle user input (Paragraph 0038) and configuring modules based on data from the service control center (Paragraph 0039-0040). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify each of said control elements using at least one of said data interchanging and vehicle user input and data from the service control center, taught by Videtich for real time control elements adjustment and convenience.

For claim 3, Geisler discloses the modules are classified on the based on criteria, with the classification being linked to a restriction to the capability to configure the modules (Col. 4, lines 19-34, where restrictions to the modification of the modules are classified).

For claim 4, Geisler discloses the criteria relate to driving safety, and modules related to safety are modifiable only by the stationary service control center (Col. 4, lines 19-34 and Col. 5, line 67 – Col. 6, line 11, where the driver is restricted to modify safety-relevant modules for safety purposes).

For claim 6, Geisler does not specifically disclose the configuration of the at least one of the modules also includes the inputting, editing or deletion of function parameters. Videtich discloses the configuration of the at least one of the modules also includes the inputting, editing or deletion of function parameters (Paragraph 0040). It

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would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify a module by inputting, editing or deletion of function parameters, taught by Videtich. The motivation to modify a module includes the inputting, editing or deletion of function parameters is to adjust and customize the controls of the vehicle as the user see fit.

For claim 7, Geisler discloses that function parameters of the modules are modifiable only by the stationary service control center (Col. 4, lines 20-34).

For claim 8, Geisler discloses the modules are grouped into functional groups based on a theme of the modules or an interchange of data among modules (Col. 3, lines 51-67 and col. 4, lines 8-16).

For claim 11, Geisler discloses the modules are classified on the bas criteria, with the classification being linked to a restriction to the capability to configure the modules (Col. 4, lines 19-34, where restrictions to the modification of the modules are classified).

For claims 16 and 17, Geisler discloses the modules are grouped into functional groups based on a theme of the modules or an interchange of data among modules (Col. 3, lines 51-67 and col. 4, lines 8-16).

For claim 20, Geisler discloses configuration of the at least one of the modules is performed without a software download (Col. 2, line 43 – col. 3, line 3).

2. Claims 9, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geisler et al. (6,882,906) in view of Videtich (US2003/0144005) and further in view of Chou et al. (6,330,499).

For claims 9 and 18, Geisler discloses the telematics control elements are configured as a function of the configuration of the at least one module (Col. 1, lines 26-39 and Col. 3, lines 51-67).

Geisler does not specifically disclose dynamic control elements which are associated with the telematics control elements are configured as a function of the configuration of the at least one module. Chou discloses dynamic control elements which are associated with the telematics control elements are configured as a function of the configuration of the at least one module (Col. 9, lines 1-3, 31-34 and Col. 10, lines 1-11). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to include dynamic control elements which are associated with the telematics control elements are configured as a function of the configuration of the at least one module, taught by Chou. The motivation to modify the invention of Geisler is to allow a user to configure and make modification of the modules through the telematics control elements.

For claim 10, Geisler does not disclose the dynamic control elements are soft keys. Chou discloses the dynamic control elements are soft keys (Col. 9, lines 1-3, 31-34). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to add the dynamic control elements are soft keys. The motivation to modify the invention of Geisler to include the soft keys dynamic control elements is to allow the user conveniently navigate a control menu and/or control the module by touch.

Response to Arguments

2. Applicant's arguments filed 6/23/2008 have been fully considered but they are not persuasive.

On page 7 of the Applicant's Response, Applicant argues that Geisler does not disclose or suggest that the telematics control elements, which are modules that autonomously execute different functions, are individually configurable to be enabled or disabled based on receipt of "a user input or data from the service control center to activate or deactivate at least one of the modules."

The Examiner respectfully disagree with Applicant's argument, because Geisler discloses a vehicle function interface installed in the vehicle include keypad and voice activation (Col. 3, lines 51-64) for activate or deactivate modules..

On page 8 of the Applicant's Response, Applicant argues that Videtich discloses a system request for the vehicle preferences by a call center can be initiated by a user of the vehicle, but not a request to "activate or deactivate at least one of the modules".

The Examiner respectfully disagree with Applicant's argument, because although Videtich does not specifically disclose the request is to activate or deactivate at least one of the modules, the request is a command either from a user or from a call center and in combine with the teaching of Geisler, it would be obvious that the request can include activate or deactivate at least one of the modules taught in Videtich.

3. Applicant's arguments with respect to claims 1, 3-4, 6-11, 16-18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SZE-HON KONG whose telephone number is (571)270-

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1503. The examiner can normally be reached on 7:30AM-5PM Mon-Fri, Alt. Fri.
Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8/26/2008

/SZE-HON KONG/

Sze-Hon Kong
Examiner, Art Unit 3661

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661